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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
03/06/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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		Application No.	Applicant(s)
Office Action Summary		10/511,773	RATHAKRISHNAN ET AL.
		Examiner	Art Unit	
		RYAN J. JAKOVAC	2145	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 October 2004</u>.
2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-58</u> is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-58</u> is/are rejected.
7) ☒ Claim(s) <u>15, 26</u> is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a) ☒ All　b) ☐ Some * c) ☐ None of:
　　　1. ☐ Certified copies of the priority documents have been received.
　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/07/2005</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claims 1-43 and 45-59 are pending.

Claim 44 has been cancelled.

Claim Objections

1.   Claims 15 and 26 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. Claims 15 and 26

recite the limitation "wherein the system operates software in a single operating layer

architecture in the user's machine", however this limitation is present in Claim 1, which

claims 15 and 26 are dependent upon.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

2.   Claims 1-8, 13-43, 45-52, and 54-59 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. 2002/0032751 to Bharadwaj (hereinafter Bha).

Regarding claims 1 and 50, Bha teaches a software system and a computer readable medium for enabling a server to execute an application for display on a display device of a user's machine, the software system being in a single operating layer architecture in the user's machine (Bha, Abstract discloses a client that displays applications running on remote servers. Paragraph [0009-0010] discloses the software in execution environment (i.e. in a "single operating layer architecture").

Regarding claim 2, Bha teaches a software system as claimed in claim 1, wherein the software system includes a platform for operating on the user's machine; the platform including a platform engine operating as an operating system (Paragraph [0009-0010] discloses the software, including an operating system, of the client in an execution environment (i.e. in a "single operating layer architecture").).

Regarding claim 3, Bha teaches a software system as claimed in claim 2, wherein the operating system is for security, driver support, power management, boot loader, and file system (Paragraph [0060] discloses operating systems used with the system.).

Regarding claim 4, Bha teaches a software system as claimed in claim 1, wherein the single operating layer architecture is used in the server (Abstract discloses that the server runs applications on an operating system.).

Regarding claims 5 and 51, Bha teaches a software system and a computer readable medium for a server to download data with constant compression rates to a user's machine to enable an HTML media file to be displayed with real-time streaming on a display device of the user's machine, the HTML media file being converted by the server from a media format to a universal media format agreed between the server and the user's machine (Paragraph [0061] and [00112] disclose the client receiving a HTML media file. The client is linked to the server which is connected to the web. Paragraph [0169], [0828], and [00835] discloses streaming media to the client.).

Regarding claim 6, Bha teaches a system as claimed in claim 1, wherein a plurality of applications are executed on the server, all applications being executed on the server under a single operating system such that the display is streamed to the display device without the plurality of applications starting their native operating systems (Paragraph [0005] discloses multiple applications running on a server machine and displaying the applications on a client device.).

Regarding claims 7 and 52, Bha teaches a system and a computer readable medium for a server to enable a user's machine operate an application executed on the server, wherein the application is executed in a protected environment in which access controls are implemented to restrict access by the application to at least one restricted

area of the system (Paragraph [0017] discloses the server operating applications for the client in different subsystems (i.e. protected environments)).

Regarding claim 8, Bha teaches a system as claimed in claim 7, wherein the application is copied into the protected environment before execution (Paragraph [0019] discloses that the server keeps state information the client device.).

Regarding claim 13, Bha teaches a system as claimed in claim 1, wherein the user's machine includes a display device that acts as the display device for the server (The abstract of Bha discloses the client machine comprising a display that acts as a display device for the server.).

Regarding claim 14, Bha teaches a system as claimed in claim 13, wherein a plurality of applications are executed on the server, all applications being executed on the server under a single operating system such that the display is streamed to the display device without the plurality of applications starting their native operating systems (Paragraph [0005] discloses multiple applications running on a server machine and displaying the applications on a client device.).

Regarding claim 15, Bha teaches a system as claimed in claim 1, wherein the system operates software in a single operating layer architecture in the user's machine (Bha, Abstract discloses a client that displays applications running on remote servers.

Paragraph [0009-0010] discloses the software in execution environment (i.e. in a "single operating layer architecture").

Regarding claim 16, Bha teaches a system as claimed in claim 15, wherein the software includes a platform for operating on the user's machine; the platform including a platform engine operating as an operating system (Paragraph [0009-0012] discloses the software operating on the users machine including an operating system (further disclosed in paragraph [0060].)).

Regarding claim 17, Bha teaches a system as claimed in claim 16, wherein the operating system is for security, driver support, power management, boot loader, and file system (Paragraph [0009-0012] discloses the software operating on the users machine including an operating system (further disclosed in paragraph [0060]).).

Regarding claim 18, Bha teaches a system as claimed in claim 15, wherein the single operating layer architecture is used in the server (Abstract discloses that the server runs applications on an operating system.).

Regarding claim 19, Bha teaches a system as claimed in claim 1, wherein the server includes an HTML resizing server for resizing an HTML file before sending the HTML file to the user's machine (Paragraph [0656] discloses resizing an object on the client screen. Paragraph [0002] discloses web browsing (i.e. accessing HTML files).).

Regarding claim 20, Bha teaches a system as claimed in claim 19, wherein any images in the HTML file are resized to be able to be fully displayed on the display device (Paragraph [0656] discloses resizing an object on the client screen. Paragraph [0002] discloses web browsing (i.e. accessing HTML files).).

Regarding claim 21, Bha teaches a system as claimed in claim 19, wherein passing of the HTML file and amendment on the server of code for the HTML file to enable the HTML media file to be displayed on the display device Paragraph [0002] discloses web browsing (i.e. accessing HTML files). Paragraph [0092] discloses displaying streaming media on the client device.).

Regarding claim 22, Bha teaches a system as claimed in claim 1, wherein a plurality of applications are executed on the server, all applications being executed on the server under a single operating system such that the display is streamed to the display device without the plurality of applications starting their native operating systems (Paragraph [0005] discloses multiple applications running on a server machine and displaying the applications on a client device.).

Regarding claim 23, Bha teaches a system as claimed in claim 1, wherein the application is executed in a protected environment in which access controls are implemented to restrict access by the application to at least one restricted area of the

system (Paragraph [0017] discloses the server operating applications for the client in different subsystems (i.e. protected environments)).

Regarding claim 24, Bha teaches a system as claimed in claim 22, wherein the application is copied into the protected environment before execution (Paragraph [0019] discloses that the server keeps state information the client device.).

Regarding claim 25, Bha teaches a system as claimed in claim 1, wherein the system includes a platform for operating on the user's machine; the platform including a platform engine operating as an operating system (Paragraph [0009-0012] discloses the software operating on the users machine including an operating system (further disclosed in paragraph [0060].)).

Regarding claim 26, Bha teaches a system as claimed in claim 25, wherein the operating system is in a single operating layer architecture user's machine (Bha, Abstract discloses a client that displays applications running on remote servers. Paragraph [0009-0010] discloses the software in execution environment (i.e. in a "single operating layer architecture").

Regarding claim 27, Bha teaches a system as claimed in claim 26, wherein the operating system is for security, driver support, power management, boot loader, and

file system (Paragraph [0009-0012] discloses the software operating on the users

machine including an operating system (further disclosed in paragraph [0060]).).

Regarding claim 28, Bha teaches a system as claimed in claim 26, wherein the

single operating layer architecture is used in the server (Abstract discloses that the

server runs applications on an operating system.).

Regarding claim 29, Bha teaches a system as claimed in claim 1, wherein the

application is executed in a protected environment in which access controls are

implemented to restrict access by the application to at least one restricted area of the

system (Paragraph [0017] discloses the server operating applications for the client in

different subsystems (i.e. protected environments)).

Regarding claim 30, Bha teaches a system as claimed in claim 29, wherein the

application is copied into the protected environment before execution (Paragraph [0019]

discloses that the server keeps state information the client device.).

Regarding claim 31, Bha teaches a system as claimed in claim 1, wherein a

plurality of applications are executed on the server, all applications being executed on

the server under a single operating system such that the data is streamed to the display

device without the plurality of applications starting their native operating systems

(Paragraph [0005] discloses multiple applications running on a server machine and displaying the applications on a client device.).

Regarding claims 32 and 54, Bha teaches a system and a computer readable medium as claimed in claim 1, wherein the single operating layer architecture includes an engine executor for providing a software interface (Paragraphs [0009-0012] discloses elements (VP client) that define the clients software capabilities.).

Regarding claims 33 and 55, Bha teaches a system and a computer readable medium as claimed in claim 1, wherein the single operating layer architecture includes an engine listener for providing native hardware support (Paragraph [0005], the client device acts as an output device for the server (i.e. provides native hardware support).).

Regarding claims 34 and 56, Bha teaches a system and a computer readable medium as claimed in claim 1, wherein the single operating layer architecture does not have a software layer (Abstract discloses that the client is not required to be equipped with a execution environment (i.e. software layer).).

Regarding claims 35 and 57, Bha teaches a system and a computer readable medium as claimed in claim 1, wherein application programming interfaces are translated into commands (Abstract discloses requests between the client and the server.).

Regarding claims 36 and 58, Bha teaches a system and a computer readable medium as claimed in claim 1, wherein the user's machine is able to launch, execute, manipulate, monitor and quit applications on the server (Abstract discloses that the client makes requests to the server to run applications which will be displayed on the clients device (i.e. launches, executes, manipulates, and monitors.) Paragraph [0019] discloses quitting an application.).

Regarding claims 37 and 59, Bha teaches a system and a computer readable medium as claimed in claim 1, wherein the platform recognizes pre-programmed hardware and will not work with unauthorized hardware (Paragraph [0003] discloses pre-programmed hardware that enables the system.).

Regarding claim 38, Bha teaches a system as claimed in claim 19, wherein the resizing is by adding width and height tags to any object in the file that does not have those tags, and amending the values in the width and height tags so they can be displayed on the display device in accordance with a resolution requirement of the display device (Paragraph [0656] discloses resizing objects according to width and height.).

Regarding claim 39, Bha teaches a system as claimed in claim 38, wherein the width tag value is divided by 800 and multiplied by a width of the requested resolution (Paragraph [0656] discloses resizing objects according to width and height.).

Regarding claim 40, Bha teaches a system as claimed in claim 38, wherein the height tag value is divided by 600 and multiplied by a height of the requested resolution (Paragraph [0656] discloses resizing objects according to width and height.).

Regarding claim 41, Bha teaches a system as claimed in claim 5, wherein the universal media format is pre-determined (Paragraph [0092] discloses displaying streaming media on the client device.).

Regarding claim 42, Bha teaches a system as claimed in claim 41, wherein the universal media format is a streaming format and has constant compression rates (Paragraph [0092] discloses displaying streaming media on the client device.).

Regarding claim 43, Bha teaches a system as claimed in claim 41, wherein the conversion to the universal media format is by first decoding and decompression of the HTML media file to raw data (Paragraph [0828], The MPEG-4 application running on the server is configured to decode and present (for display on the user's device) streaming data.).

Regarding claim 45, Bha teaches a computer system comprising one or means for performing corresponding one or more of the systems comprising:

a software system enabling a server to execute an application for display on a display device of a user's machine the software system being in a single operating layer architecture in the user's machine (Bha, Abstract discloses a client that displays applications running on remote servers. Paragraph [0009-0010] discloses the software in execution environment (i.e. in a "single operating layer architecture"); or

a system for a server to download data with constant compression rates to a user's machine to enable an HTML media file to be displayed with real-time streaming on a display device of the user's machine, the HTML media file being converted by the server from a media format to a universal media format agreed between the server and the user's machine (Paragraph [0061] and [00112] disclose the client receiving a HTML media file. The client is linked to the server which is connected to the web. Paragraph [0169], [0828], and [00835] discloses streaming media to the client.); or

a system for a server to enable a user's machine operate an application executed on the server, wherein the application is executed in a protected environment in which access controls are implemented to restrict access by the application to at least one restricted area of the system (Paragraph [0017] discloses the server operating applications for the client in different subsystems (i.e. protected environments)); or

a system for a server providing an installation of a device driver to a user's machine, the installation being sent by the server to the user's machine with instructions for automatic installation on the user's machine, the instructions being packaged with

the installation prior to being sent to the user's machine so that, upon receipt by the user's machine, the user's machine can unpack the installation and the instructions where the device driver files are copied to system file locations and the system settings updated, execute the instructions, and launch the installation on the user's machine.

Regarding claim 46, Bha teaches a system as claimed in claim 5, wherein a plurality of applications are executed on the server, all applications being executed on the server under a single operating system such that the data is streamed to the display device without the plurality of applications starting their native operating systems (Paragraph [0005] discloses multiple applications running on a server machine and displaying the applications on a client device.).

Regarding claim 47, Bha teaches a system as claimed in claim 19, wherein the universal media format is pre-determined (Paragraph [0092] discloses displaying streaming media on the client device.).

Regarding claim 48, Bha teaches a system as claimed in claim 19, wherein the universal media format is a streaming format and has constant compression rates (Paragraph [0092] discloses displaying streaming media on the client device.).

Regarding claim 49, Bha teaches a system as claimed in claim 47, wherein the conversion to the universal media format is by first decoding and decompression of the

HTML media file to raw data (Paragraph [0828], The MPEG-4 application running on the

server is configured to decode and present (for display on the user's device) streaming

data.).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 9-12 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by

U.S. 6,189,051 to Oh et al (hereinafter Oh).

        Regarding claims 9 and 53, Oh teaches a system and a computer readable

medium for a server providing an installation of a device driver to a user's machine, the

installation being sent by the server to the user's machine with instructions for automatic

installation on the user's machine, the instructions being packaged with the installation

prior to being sent to the user's machine so that, upon receipt by the user's machine,

the user's machine can unpack the installation and the instructions where the device

driver files are copied to the system file locations and the system settings updated,

execute the instructions, and launch the installation on the user's machine (Oh,

Abstract, The server computer stores drivers (including a setup file (fig. 6), which are

downloaded and installed on the client computer.).

Regarding claim 10, Oh teaches a system as claimed in claim 9, wherein a record is kept of device driver installations used on the user's machine so that device drivers that are more frequently used are maintained in a memory of tile server (Oh, Col. 2, line 1-67 discloses drivers stored and managed on the server which are downloaded by the client.).

Regarding claim 11, Oh teaches a system as claimed in claim 10, wherein the memory is a read-only-memory (Fig. 1 discloses read-only memory.).

Regarding claim 12, Oh teaches a system as claimed in claim 9, wherein a new file in the installation is copied to the server (Oh, Col. 2, line 1-67, hard disk master.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145